

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Emergency Telephone System Act is amended by
5 changing Sections 15.3 and 15.4 as follows:

6 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

7 Sec. 15.3. Surcharge.

8 (a) The corporate authorities of any municipality or any
9 county may, subject to the limitations of subsections (c), (d),
10 and (h), and in addition to any tax levied pursuant to the
11 Simplified Municipal Telecommunications Tax Act, impose a
12 monthly surcharge on billed subscribers of network connection
13 provided by telecommunication carriers engaged in the business
14 of transmitting messages by means of electricity originating
15 within the corporate limits of the municipality or county
16 imposing the surcharge at a rate per network connection
17 determined in accordance with subsection (c). Provided,
18 however, that where multiple voice grade communications
19 channels are connected between the subscriber's premises and a
20 public switched network through private branch exchange (PBX)
21 or centrex type service, a municipality imposing a surcharge at
22 a rate per network connection, as determined in accordance with
23 this Act, shall impose 5 such surcharges per network

1 connection, as determined in accordance with subsections (a)
2 and (d) of Section 2.12 of this Act. For mobile
3 telecommunications services, if a surcharge is imposed it shall
4 be imposed based upon the municipality or county that
5 encompasses the customer's place of primary use as defined in
6 the Mobile Telecommunications Sourcing Conformity Act. A
7 municipality may enter into an intergovernmental agreement
8 with any county in which it is partially located, when the
9 county has adopted an ordinance to impose a surcharge as
10 provided in subsection (c), to include that portion of the
11 municipality lying outside the county in that county's
12 surcharge referendum. If the county's surcharge referendum is
13 approved, the portion of the municipality identified in the
14 intergovernmental agreement shall automatically be
15 disconnected from the county in which it lies and connected to
16 the county which approved the referendum for purposes of a
17 surcharge on telecommunications carriers.

18 (b) For purposes of computing the surcharge imposed by
19 subsection (a), the network connections to which the surcharge
20 shall apply shall be those in-service network connections,
21 other than those network connections assigned to the
22 municipality or county, where the service address for each such
23 network connection or connections is located within the
24 corporate limits of the municipality or county levying the
25 surcharge. Except for mobile telecommunication services, the
26 "service address" shall mean the location of the primary use of

1 the network connection or connections. For mobile
 2 telecommunication services, "service address" means the
 3 customer's place of primary use as defined in the Mobile
 4 Telecommunications Sourcing Conformity Act. With respect to
 5 network connections provided for use with pay telephone
 6 services for which there is no billed subscriber, the
 7 telecommunications carrier providing the network connection
 8 shall be deemed to be its own billed subscriber for purposes of
 9 applying the surcharge.

10 (c) Upon the passage of an ordinance to impose a surcharge
 11 under this Section the clerk of the municipality or county
 12 shall certify the question of whether the surcharge may be
 13 imposed to the proper election authority who shall submit the
 14 public question to the electors of the municipality or county
 15 in accordance with the general election law; provided that such
 16 question shall not be submitted at a consolidated primary
 17 election. The public question shall be in substantially the
 18 following form:

19 -----
 20 Shall the county (or city, village
 21 or incorporated town) of impose YES
 22 a surcharge of up to ...¢ per month per
 23 network connection, which surcharge will
 24 be added to the monthly bill you receive -----
 25 for telephone or telecommunications
 26 charges, for the purpose of installing

1 (or improving) a 9-1-1 Emergency Telephone System? NO

2

3 -----

4 If a majority of the votes cast upon the public question
 5 are in favor thereof, the surcharge shall be imposed.

6 However, if a Joint Emergency Telephone System Board is to
 7 be created pursuant to an intergovernmental agreement under
 8 Section 15.4, the ordinance to impose the surcharge shall be
 9 subject to the approval of a majority of the total number of
 10 votes cast upon the public question by the electors of all of
 11 the municipalities or counties, or combination thereof, that
 12 are parties to the intergovernmental agreement.

13 The referendum requirement of this subsection (c) shall not
 14 apply to any municipality with a population over 500,000 or to
 15 any county in which a proposition as to whether a sophisticated
 16 9-1-1 Emergency Telephone System should be installed in the
 17 county, at a cost not to exceed a specified monthly amount per
 18 network connection, has previously been approved by a majority
 19 of the electors of the county voting on the proposition at an
 20 election conducted before the effective date of this amendatory
 21 Act of 1987.

22 (d) A county may not impose a surcharge, unless requested
 23 by a municipality, in any incorporated area which has
 24 previously approved a surcharge as provided in subsection (c)
 25 or in any incorporated area where the corporate authorities of
 26 the municipality have previously entered into a binding

1 contract or letter of intent with a telecommunications carrier
2 to provide sophisticated 9-1-1 service through municipal
3 funds.

4 (e) A municipality or county may at any time by ordinance
5 change the rate of the surcharge imposed under this Section if
6 the new rate does not exceed the rate specified in the
7 referendum held pursuant to subsection (c).

8 (f) The surcharge authorized by this Section shall be
9 collected from the subscriber by the telecommunications
10 carrier providing the subscriber the network connection as a
11 separately stated item on the subscriber's bill.

12 (g) The amount of surcharge collected by the
13 telecommunications carrier shall be paid to the particular
14 municipality or county or Joint Emergency Telephone System
15 Board not later than 30 days after the surcharge is collected,
16 net of any network or other 9-1-1 or sophisticated 9-1-1 system
17 charges then due the particular telecommunications carrier, as
18 shown on an itemized bill. The telecommunications carrier
19 collecting the surcharge shall also be entitled to deduct 3% of
20 the gross amount of surcharge collected to reimburse the
21 telecommunications carrier for the expense of accounting and
22 collecting the surcharge.

23 (h) Except as expressly provided in subsection (a) of this
24 Section, a municipality with a population over 500,000 may not
25 impose a monthly surcharge in excess of \$2.50 ~~\$1.25~~ per network
26 connection.

1 (i) Any municipality or county or joint emergency telephone
2 system board that has imposed a surcharge pursuant to this
3 Section prior to the effective date of this amendatory Act of
4 1990 shall hereafter impose the surcharge in accordance with
5 subsection (b) of this Section.

6 (j) The corporate authorities of any municipality or county
7 may issue, in accordance with Illinois law, bonds, notes or
8 other obligations secured in whole or in part by the proceeds
9 of the surcharge described in this Section. Notwithstanding any
10 change in law subsequent to the issuance of any bonds, notes or
11 other obligations secured by the surcharge, every municipality
12 or county issuing such bonds, notes or other obligations shall
13 be authorized to impose the surcharge as though the laws
14 relating to the imposition of the surcharge in effect at the
15 time of issuance of the bonds, notes or other obligations were
16 in full force and effect until the bonds, notes or other
17 obligations are paid in full. The State of Illinois pledges and
18 agrees that it will not limit or alter the rights and powers
19 vested in municipalities and counties by this Section to impose
20 the surcharge so as to impair the terms of or affect the
21 security for bonds, notes or other obligations secured in whole
22 or in part with the proceeds of the surcharge described in this
23 Section.

24 (k) Any surcharge collected by or imposed on a
25 telecommunications carrier pursuant to this Section shall be
26 held to be a special fund in trust for the municipality, county

1 or Joint Emergency Telephone Board imposing the surcharge.
2 Except for the 3% deduction provided in subsection (g) above,
3 the special fund shall not be subject to the claims of
4 creditors of the telecommunication carrier.

5 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
6 eff. 1-1-03; revised 10-2-02.)

7 (50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

8 Sec. 15.4. Emergency Telephone System Board; powers.

9 (a) The corporate authorities of any county or municipality
10 that imposes a surcharge under Section 15.3 shall establish an
11 Emergency Telephone System Board. The corporate authorities
12 shall provide for the manner of appointment and the number of
13 members of the Board, provided that the board shall consist of
14 not fewer than 5 members, one of whom must be a public member
15 who is a resident of the local exchange service territory
16 included in the 9-1-1 coverage area, one of whom (in counties
17 with a population less than 100,000) must be a member of the
18 county board, and at least 3 of whom shall be representative of
19 the 9-1-1 public safety agencies, including but not limited to
20 police departments, fire departments, emergency medical
21 services providers, and emergency services and disaster
22 agencies, and appointed on the basis of their ability or
23 experience. Elected officials are also eligible to serve on the
24 board. Members of the board shall serve without compensation
25 but shall be reimbursed for their actual and necessary

1 expenses. Any 2 or more municipalities, counties, or
2 combination thereof, that impose a surcharge under Section 15.3
3 may, instead of establishing individual boards, establish by
4 intergovernmental agreement a Joint Emergency Telephone System
5 Board pursuant to this Section. The manner of appointment of
6 such a joint board shall be prescribed in the agreement.

7 (b) The powers and duties of the board shall be defined by
8 ordinance of the municipality or county, or by
9 intergovernmental agreement in the case of a joint board. The
10 powers and duties shall include, but need not be limited to the
11 following:

12 (1) Planning a 9-1-1 system.

13 (2) Coordinating and supervising the implementation,
14 upgrading, or maintenance of the system, including the
15 establishment of equipment specifications and coding
16 systems.

17 (3) Receiving moneys ~~monies~~ from the surcharge imposed
18 under Section 15.3, and from any other source, for deposit
19 into the Emergency Telephone System Fund.

20 (4) Authorizing all disbursements from the fund.

21 (5) Hiring any staff necessary for the implementation
22 or upgrade of the system.

23 (c) All moneys ~~monies~~ received by a board pursuant to a
24 surcharge imposed under Section 15.3 shall be deposited into a
25 separate interest-bearing Emergency Telephone System Fund
26 account. The treasurer of the municipality or county that has

1 established the board or, in the case of a joint board, any
2 municipal or county treasurer designated in the
3 intergovernmental agreement, shall be custodian of the fund.
4 All interest accruing on the fund shall remain in the fund. No
5 expenditures may be made from such fund except upon the
6 direction of the board by resolution passed by a majority of
7 all members of the board. Expenditures may be made only to pay
8 for the costs associated with the following:

9 (1) The design of the Emergency Telephone System.

10 (2) The coding of an initial Master Street Address
11 Guide data base, and update and maintenance thereof.

12 (3) The repayment of any moneys ~~monies~~ advanced for the
13 implementation of the system.

14 (4) The charges for Automatic Number Identification
15 and Automatic Location Identification equipment, a
16 computer aided dispatch system that records, maintains,
17 and integrates information, mobile data transmitters
18 equipped with automatic vehicle locators, and maintenance,
19 replacement and update thereof to increase operational
20 efficiency and improve the provision of emergency
21 services.

22 (5) The non-recurring charges related to installation
23 of the Emergency Telephone System and the ongoing network
24 charges.

25 (6) The acquisition and installation, or the
26 reimbursement of costs therefor to other governmental

1 bodies that have incurred those costs, of road or street
2 signs that are essential to the implementation of the
3 emergency telephone system and that are not duplicative of
4 signs that are the responsibility of the jurisdiction
5 charged with maintaining road and street signs.

6 (7) Other products and services necessary for the
7 implementation, upgrade, and maintenance of the system and
8 any other purpose related to the operation of the system,
9 including costs attributable directly to the construction,
10 leasing, or maintenance of any buildings or facilities or
11 costs of personnel attributable directly to the operation
12 of the system. Costs attributable directly to the operation
13 of an emergency telephone system do not include the costs
14 of public safety agency personnel who are and equipment
15 that is dispatched in response to an emergency call.

16 (8) In the case of a municipality that imposes a
17 surcharge under subsection (h) of Section 15.3, moneys may
18 also be used for any anti-terrorism or emergency
19 preparedness measures, including, but not limited to,
20 preparedness planning, providing local matching funds for
21 federal or State grants, personnel training, and
22 specialized equipment, including surveillance cameras as
23 needed to deal with natural and terrorist-inspired
24 emergency situations or events.

25 Moneys in the fund may also be transferred to a
26 participating fire protection district to reimburse volunteer

1 firefighters who man remote telephone switching facilities
2 when dedicated 9-1-1 lines are down.

3 (d) The board shall complete the data base before
4 implementation of the 9-1-1 system. The error ratio of the data
5 base shall not at any time exceed 1% of the total data base.

6 (Source: P.A. 92-202, eff. 1-1-02.)

7 Section 10. The Wireless Emergency Telephone Safety Act is
8 amended by changing Sections 15, 17, 25, 35, 45, and 70 as
9 follows:

10 (50 ILCS 751/15)

11 (Section scheduled to be repealed on April 1, 2008)

12 Sec. 15. Wireless emergency 9-1-1 service. The digits
13 "9-1-1" shall be the designated emergency telephone number
14 within the wireless system.

15 (a) Standards. The Illinois Commerce Commission may set
16 non-discriminatory, uniform technical and operational
17 standards consistent with the rules of the Federal
18 Communications Commission for directing calls to authorized
19 public safety answering points. These standards shall not in
20 any way prescribe the technology or manner a wireless carrier
21 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls
22 and these standards shall not exceed the requirements set by
23 the Federal Communications Commission. However, standards for
24 directing calls to the authorized public safety answering point

1 shall be included. The authority given to the Illinois Commerce
2 Commission in this Section is limited to setting standards as
3 set forth herein and does not constitute authority to regulate
4 wireless carriers.

5 (b) Wireless public safety answering points. For the
6 purpose of providing wireless 9-1-1 emergency services, an
7 emergency telephone system board or, in the absence of an
8 emergency telephone system board, a qualified governmental
9 entity may declare its intention for one or more of its public
10 safety answering points to serve as a primary wireless 9-1-1
11 public safety answering point for its jurisdiction by notifying
12 the Chief Clerk of the Illinois Commerce Commission and the
13 Director of State Police in writing within 6 months after the
14 effective date of this Act or within 6 months after receiving
15 its authority to operate a 9-1-1 system under the Emergency
16 Telephone System Act, whichever is later. In addition, 2 or
17 more emergency telephone system boards or qualified units of
18 local government may, by virtue of an intergovernmental
19 agreement, provide wireless 9-1-1 service. The Department of
20 State Police shall be the primary wireless 9-1-1 public safety
21 answering point for any jurisdiction not providing notice to
22 the Commission and the Department of State Police. Nothing in
23 this Act shall require the provision of wireless enhanced 9-1-1
24 services.

25 The Illinois Commerce Commission, upon a ~~joint~~ request from
26 ~~the Department of State Police and~~ a qualified governmental

1 entity or an emergency telephone system board, may grant
2 authority to the emergency telephone system board or a
3 qualified governmental entity to provide wireless 9-1-1
4 service in areas for which the Department of State Police has
5 accepted wireless 9-1-1 responsibility. The Illinois Commerce
6 Commission shall maintain a current list of all 9-1-1 systems
7 and qualified governmental entities providing wireless 9-1-1
8 service under this Act.

9 Any emergency telephone system board or qualified
10 governmental entity providing wireless 9-1-1 service prior to
11 the effective date of this Act may continue to operate upon
12 notification as previously described in this Section. An
13 emergency telephone system board or a qualified governmental
14 entity shall submit, with its notification, the date upon which
15 it commenced operating.

16 (c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced
17 9-1-1 Board is created. The Board consists of 7 members
18 appointed by the Governor with the advice and consent of the
19 Senate. It is recommended that the Governor appoint members
20 from the following: the Illinois Chapter of the National
21 Emergency Numbers Association, the Illinois State Police, law
22 enforcement agencies, the wireless telecommunications
23 industry, an emergency telephone system board in Cook County
24 (outside the City of Chicago), an emergency telephone system
25 board in the Metro-east area, and an emergency telephone system
26 board in the collar counties (Lake, McHenry, DuPage, Kane, and

1 Will counties). Members of the Board may not receive any
2 compensation but may, however, be reimbursed for any necessary
3 expenditure in connection with their duties.

4 Except as provided in Section 45, the Wireless Enhanced
5 9-1-1 Board shall set the amount of the monthly wireless
6 surcharge required to be imposed under Section 17 on all
7 wireless subscribers in this State. Prior to the Wireless
8 Enhanced 9-1-1 Board setting any surcharge, the Board shall
9 publish the proposed surcharge in the Illinois Register, hold
10 hearings on the surcharge and the requirements for an efficient
11 wireless emergency number system, and elicit public comment.
12 The Board shall determine the minimum cost necessary for
13 implementation of this system and the amount of revenue
14 produced based upon the number of wireless telephones in use.
15 The Board shall set the surcharge at the minimum amount
16 necessary to achieve the goals of the Act and shall, by July 1,
17 2000, file this information with the Governor, the Clerk of the
18 House, and the Secretary of the Senate. The surcharge may not
19 be more than \$0.75 per month per CMRS connection.

20 The Wireless Enhanced 9-1-1 Board shall report to the
21 General Assembly by July 1, 2000 on implementing wireless
22 non-emergency services for the purpose of public safety using
23 the digits 3-1-1. The Board shall consider the delivery of
24 3-1-1 services in a 6 county area, including rural Cook County
25 (outside of the City of Chicago), and DuPage, Lake, McHenry,
26 Will, and Kane Counties, as well as counties outside of this

1 area by an emergency telephone system board, a qualified
2 governmental entity, or private industry. The Board, upon
3 completion of all its duties required under this Act, is
4 dissolved.

5 (Source: P.A. 91-660, eff. 12-22-99.)

6 (50 ILCS 751/17)

7 (Section scheduled to be repealed on April 1, 2008)

8 Sec. 17. Wireless carrier surcharge.

9 (a) Except as provided in Section 45, each wireless carrier
10 shall impose a monthly wireless carrier surcharge per CMRS
11 connection that either has a telephone number within an area
12 code assigned to Illinois by the North American Numbering Plan
13 Administrator or has a billing address in this State. In the
14 case of prepaid wireless telephone service, this surcharge
15 shall be remitted based upon the address associated with the
16 point of purchase, the customer billing address, or the
17 location associated with the MTN for each active prepaid
18 wireless telephone that has a sufficient positive balance as of
19 the last day of each month, if that information is available.
20 No wireless carrier shall impose the surcharge authorized by
21 this Section upon any subscriber who is subject to the
22 surcharge imposed by a unit of local government pursuant to
23 Section 45. Prior to the effective date of this amendatory Act
24 of the 95th General Assembly, the surcharge amount shall be the
25 amount set by the Wireless Enhanced 9-1-1 Board. Beginning on

1 the effective date of this amendatory Act of the 95th General
2 Assembly, the monthly surcharge imposed under this Section
3 shall be \$0.73 per CMRS connection. The wireless carrier that
4 provides wireless service to the subscriber shall collect the
5 surcharge ~~set by the Wireless Enhanced 9-1-1 Board~~ from the
6 subscriber. For mobile telecommunications services provided on
7 and after August 1, 2002, any surcharge imposed under this Act
8 shall be imposed based upon the municipality or county that
9 encompasses the customer's place of primary use as defined in
10 the Mobile Telecommunications Sourcing Conformity Act. The
11 surcharge shall be stated as a separate item on the
12 subscriber's monthly bill. The wireless carrier shall begin
13 collecting the surcharge on bills issued within 90 days after
14 the Wireless Enhanced 9-1-1 Board sets the monthly wireless
15 surcharge. State and local taxes shall not apply to the
16 wireless carrier surcharge.

17 (b) Except as provided in Section 45, a wireless carrier
18 shall, within 45 days of collection, remit, either by check or
19 by electronic funds transfer, to the State Treasurer the amount
20 of the wireless carrier surcharge collected from each
21 subscriber. Of the amounts remitted under this subsection prior
22 to the effective date of this amendatory Act of the 95th
23 General Assembly, and for surcharges imposed before the
24 effective date of this amendatory Act of the 95th General
25 Assembly but remitted after its effective date, the State
26 Treasurer shall deposit one-third into the Wireless Carrier

1 Reimbursement Fund and two-thirds into the Wireless Service
2 Emergency Fund. For surcharges collected and remitted on or
3 after the effective date of this amendatory Act of the 95th
4 General Assembly, \$0.1475 per surcharge collected shall be
5 deposited into the Wireless Carrier Reimbursement Fund, and
6 \$0.5825 per surcharge collected shall be deposited into the
7 Wireless Service Emergency Fund. Of the amounts deposited into
8 the Wireless Carrier Reimbursement Fund under this subsection,
9 \$0.01 per surcharge collected may be distributed to the
10 carriers to cover their administrative costs. Of the amounts
11 deposited into the Wireless Service Emergency Fund under this
12 subsection, \$0.01 per surcharge collected may be disbursed to
13 the Illinois Commerce Commission to cover its administrative
14 costs.

15 (c) The first such remittance by wireless carriers shall
16 include the number of customers by zip code, and the 9-digit
17 zip code if currently being used or later implemented by the
18 carrier, that shall be the means by which the Illinois Commerce
19 Commission shall determine distributions from the Wireless
20 Service Emergency Fund. This information shall be updated no
21 less often than every year. Wireless carriers are not required
22 to remit surcharge moneys that are billed to subscribers but
23 not yet collected.

24 (d) Notwithstanding any provision of law to the contrary,
25 nothing shall impair the right of wireless carriers to recover
26 compliance costs for all emergency communications services

1 that are not reimbursed out of the Wireless Carrier
2 Reimbursement Fund directly from their customers via line-item
3 charges on the customer's bill. Those compliance costs include
4 all costs incurred by wireless carriers in complying with
5 local, State, and federal regulatory or legislative mandates
6 that require the transmission and receipt of emergency
7 communications to and from the general public, including, but
8 not limited to, E-911.

9 (e) The Auditor General shall conduct, on an annual basis,
10 an audit of the Wireless Service Emergency Fund and the
11 Wireless Carrier Reimbursement Fund for compliance with the
12 requirements of this Act. The audit shall include, but not be
13 limited to, the following determinations:

14 (1) Whether the Commission is maintaining detailed
15 records of all receipts and disbursements from the Wireless
16 Carrier Emergency Fund and the Wireless Carrier
17 Reimbursement Fund.

18 (2) Whether the Commission's administrative costs
19 charged to the funds are adequately documented and are
20 reasonable.

21 (3) Whether the Commission's procedures for making
22 grants and providing reimbursements in accordance with the
23 Act are adequate.

24 (4) The status of the implementation of wireless 9-1-1
25 and E9-1-1 services in Illinois.

26 The Commission, the Department of State Police, and any

1 other entity or person that may have information relevant to
2 the audit shall cooperate fully and promptly with the Office of
3 the Auditor General in conducting the audit. The Auditor
4 General shall commence the audit as soon as possible and
5 distribute the report upon completion in accordance with
6 Section 3-14 of the Illinois State Auditing Act.

7 (Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839,
8 eff. 7-30-04.)

9 (50 ILCS 751/25)

10 (Section scheduled to be repealed on April 1, 2008)

11 Sec. 25. Wireless Service Emergency Fund; distribution of
12 moneys. Within 60 days after the effective date of this Act,
13 wireless carriers shall submit to the Illinois Commerce
14 Commission the number of wireless subscribers by zip code and
15 the 9-digit zip code of the wireless subscribers, if currently
16 being used or later implemented by the carrier.

17 The Illinois Commerce Commission shall, subject to
18 appropriation, make monthly proportional grants to the
19 appropriate emergency telephone system board or qualified
20 governmental entity based upon the United States Postal Zip
21 Code of the wireless subscriber's billing address. No matching
22 funds shall be required from grant recipients.

23 If the Illinois Commerce Commission is notified of an area
24 of overlapping jurisdiction, grants for that area shall be made
25 based upon reference to an official Master Street Address Guide

1 to the emergency telephone system board or qualified
2 governmental entity whose public service answering points
3 provide wireless 9-1-1 service in that area. The emergency
4 telephone system board or qualified governmental entity shall
5 provide the Illinois Commerce Commission with a valid copy of
6 the appropriate Master Street Address Guide. The Illinois
7 Commerce Commission does not have a duty to verify
8 jurisdictional responsibility.

9 In the event of a subscriber billing address being matched
10 to an incorrect jurisdiction by the Illinois Commerce
11 Commission, the recipient, upon notification from the Illinois
12 Commerce Commission, shall redirect the funds to the correct
13 jurisdiction. The Illinois Commerce Commission shall not be
14 held liable for any damages relating to an act or omission
15 under this Act, unless the act or omission constitutes gross
16 negligence, recklessness, or intentional misconduct.

17 In the event of a dispute between emergency telephone
18 system boards or qualified governmental entities concerning a
19 subscriber billing address, the Illinois Commerce Commission
20 shall resolve the dispute.

21 The Illinois Commerce Commission shall maintain detailed
22 records of all receipts and disbursements and shall provide an
23 annual accounting of all receipts and disbursements to the
24 Auditor General.

25 The Illinois Commerce Commission shall adopt rules to
26 govern the grant process.

1 The Illinois Commerce Commission may also use moneys in the
2 Wireless Service Emergency Fund for the purpose of conducting a
3 study to determine the future technological and financial needs
4 of the wireless 9-1-1 systems. A study shall include input from
5 the telecommunications industry, the Illinois National
6 Emergency Number Association, and the public safety community.

7 (Source: P.A. 93-839, eff. 7-30-04.)

8 (50 ILCS 751/35)

9 (Section scheduled to be repealed on April 1, 2008)

10 Sec. 35. Wireless Carrier Reimbursement Fund;
11 reimbursement. To recover costs from the Wireless Carrier
12 Reimbursement Fund, the wireless carrier shall submit sworn
13 invoices to the Illinois Commerce Commission. In no event may
14 any invoice for payment be approved for (i) costs that are not
15 related to compliance with the requirements established by the
16 wireless enhanced 9-1-1 mandates of the Federal Communications
17 Commission, (ii) costs with respect to any wireless enhanced
18 9-1-1 service that is not operable at the time the invoice is
19 submitted, or (iii) costs of any wireless carrier exceeding
20 100% of the wireless emergency services charges remitted to the
21 Wireless Carrier Reimbursement Fund by the wireless carrier
22 under Section 17(b) unless the wireless carrier received prior
23 approval for the expenditures from the Illinois Commerce
24 Commission.

25 If in any month the total amount of invoices submitted to

1 the Illinois Commerce Commission and approved for payment
2 exceeds the amount available in the Wireless Carrier
3 Reimbursement Fund, wireless carriers that have invoices
4 approved for payment shall receive a pro-rata share of the
5 amount available in the Wireless Carrier Reimbursement Fund
6 based on the relative amount of their approved invoices
7 available that month, and the balance of the payments shall be
8 carried into the following months until all of the approved
9 payments are made.

10 A wireless carrier may not receive payment from the
11 Wireless Carrier Reimbursement Fund for its costs of providing
12 wireless enhanced 9-1-1 services in an area when a unit of
13 local government or emergency telephone system board provides
14 wireless 9-1-1 services in that area and was imposing and
15 collecting a wireless carrier surcharge prior to July 1, 1998.

16 The Illinois Commerce Commission shall maintain detailed
17 records of all receipts and disbursements and shall provide an
18 annual accounting of all receipts and disbursements to the
19 Auditor General.

20 The Illinois Commerce Commission shall adopt rules to
21 govern the reimbursement process.

22 Upon the effective date of this amendatory Act of the 95th
23 General Assembly, or as soon thereafter as practical, the State
24 Comptroller shall order transferred and the State Treasurer
25 shall transfer the sum of \$8,000,000 from the Wireless Carrier
26 Reimbursement Fund to the Wireless Service Emergency Fund. That

1 amount shall be used by the Illinois Commerce Commission to
2 make grants in the manner described in Section 25 of this Act.

3 (Source: P.A. 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

4 (50 ILCS 751/45)

5 (Section scheduled to be repealed on April 1, 2008)

6 Sec. 45. Continuation of current practices.
7 Notwithstanding any other provision of this Act, a unit of
8 local government or emergency telephone system board providing
9 wireless 9-1-1 service and imposing and collecting a wireless
10 carrier surcharge prior to July 1, 1998 may continue its
11 practices of imposing and collecting its wireless carrier
12 surcharge, but in no event shall that monthly surcharge exceed
13 \$2.50 ~~\$1.25~~ per commercial mobile radio service (CMRS)
14 connection or in-service telephone number billed on a monthly
15 basis. For mobile telecommunications services provided on and
16 after August 1, 2002, any surcharge imposed shall be imposed
17 based upon the municipality or county that encompasses the
18 customer's place of primary use as defined in the Mobile
19 Telecommunications Sourcing Conformity Act.

20 In addition to any other lawful purpose, a municipality
21 with a population over 500,000 may use the moneys collected
22 under this Section for any anti-terrorism or emergency
23 preparedness measures, including, but not limited to,
24 preparedness planning, providing local matching funds for
25 federal or State grants, personnel training, and specialized

1 equipment, including surveillance cameras as needed to deal
2 with natural and terrorist-inspired emergency situations or
3 events.

4 (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)

5 (50 ILCS 751/70)

6 (Section scheduled to be repealed on April 1, 2008)

7 Sec. 70. Repealer. This Act is repealed on April 1, 2013
8 ~~2008~~.

9 (Source: P.A. 93-507, eff. 1-1-04.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2008.